1	COMMONWEALTH OF KENTUCKY
2	BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION
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4	In the Matter of:
	ELECTRONIC APPLICATION OF  BIG RIVERS ELECTRIC CORPORATION  FOR APPROVAL OF ITS 2020 ENVIRONMENTAL  COMPLIANCE PLAN, AUTHORITY TO RECOVER  COSTS THROUGH A REVISED  COSTS THROUGH A REVISED  ENVIRONMENTAL SURCHARGE AND TARIFF,  THE ISSUANCE OF A CERTIFICATE OF PUBLIC  CONVENIENCE AND NECESSITY FOR CERTAIN  PROJECTS, AND APPROPRIATE ACCOUNTING  AND OTHER RELIEF
5 6 7 8 9 10	MOTION OF BIG RIVERS ELECTRIC CORPORATION FOR CONFIDENTIAL TREATMENT  1. Big Rivers Electric Corporation ("Big Rivers") hereby petitions the
11	Kentucky Public Service Commission ("Commission"), pursuant to 807 KAR 5:001
12	Section 13 and KRS 61.878, to grant confidential treatment to certain information
13	filed with this petition. The information for which Big Rivers seeks confidential
14	treatment is hereinafter referred to as the "Confidential Information." The
15	Confidential Information consists of power plant schematics, diagrams, and
16	specifications of Big Rivers' D.B. Wilson Station ("Wilson Station") in detailed
17	civil drawings <sup>1</sup> , structural drawings, and electrical drawings, and geotechnical
18	engineering details of Wilson Station.

<sup>&</sup>lt;sup>1</sup> The civil drawings include not only those in Appendix G of this filing, but also the civil drawings of erosion and sedimentation control attached as Appendix A to the Stormwater Pollution Prevention Plan ("SWPP") found in Appendix D of this filing.

- 2. Pursuant to the Commission's March 24, 2020, Order in *In the*
- 2 Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-
- 3 19, Case No. 2020-00085 ("Case No. 2020-00085"), one (1) copy of the Confidential
- 4 Information highlighted with transparent ink, printed on yellow paper, or
- 5 otherwise marked "CONFIDENTIAL," is being field with this motion by electronic
- 6 mail or posting on a secure file share site. A copy of the filing, with the
- 7 Confidential Information redacted, is being electronically filed with this motion.
- 8 3. A copy of the filing with the Confidential Information redacted has
- 9 been served on all parties to this proceeding through the use of electronic filing.
- 10 807 KAR 5:001 Section 13(b).
- 11 4. If and to the extent the Confidential Information becomes generally
- 12 available to the public, whether through filings required by other agencies or
- otherwise, Big Rivers will notify the Commission and have its confidential status
- 14 removed. See 807 KAR 5:001 Section 13(10)(b).
- 15 5. As discussed below, the Confidential Information is entitled to
- 16 confidential treatment under KRS 61.878(1)(m). See 807 KAR 5:001 Section
- 17 13(2)(a)(1).

## 18 I. The Confidential Information is exempted from public disclosure 19 by KRS 61.878(1)(m)

- 6. KRS 61.878(1)(m)(1) protects "[p]ublic records the disclosure of
- 21 which would have a reasonable likelihood of threatening the public safety by

- exposing a vulnerability in preventing protecting against, mitigating, or responding to a terrorist act. . . ."
- 3 7. As noted above, the Confidential Information consists of detailed power plant schematics, diagrams, and specifications in civil drawings, structural 4 5 drawings, and electrical drawings and geotechnical engineering details of the 6 Wilson Station., all of which could be used to analyze vulnerable locations in the 7 plant or the interconnected transmission system, which are public utility critical 8 systems, and which could therefore threaten public safety. Having access to such 9 detailed schematics and diagrams could be used to damage or destroy the plant 10 structures and injure persons or property at or near the plant, or to locate 11 chemicals and other material that could be used to the detriment of public safety. 12 It could also be used to gain an understanding of the workings of the power plant 13 or other similar power plants. As disclosure of this information would provide the 14 public with a tool to analyze the vulnerabilities in public utility critical systems, 15 this information should be granted confidential treatment.

## 16 II. Time Period

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8. Pursuant to 807 KAR 5:001 Section 13(2)(a)(2), Big Rivers requests that the Confidential Information remain confidential indefinitely because as long as the Wilson Station or similar power plants remain in operation or the transmission system remains in place, the information should be confidential for the reasons stated above.

## 1 III. Conclusion 2 9. Based on the foregoing, the Confidential Information is entitled to 3 confidential treatment pursuant to 807 KAR 5:001 Section 13 and KRS 61.878. If 4 the Commission disagrees that Big Rivers' Confidential Information is entitled to 5 confidential treatment, due process requires the Commission to hold an evidentiary hearing. See Utility Regulatory Comm'n v. Kentucky Water Serv. Co., 6 7 Inc., 642 S.W.2d 591 (Ky. App. 1982). 8 WHEREFORE, Big Rivers respectfully requests that the Commission grant this motion and classify and treat as confidential the Confidential Information. 9 On this the 18th day of June, 2021. 10 11 Respectfully submitted, 12 /s/ Tyson Kamuf 13 14 Tyson Kamuf 15 Senthia Santana 16 Gregory E. Mayes, Jr. 17 18 Big Rivers Electric Corporation 19 201 Third Street, P.O. Box 24 20 Henderson, Kentucky 42419-0024 21Phone: (270) 827-2561 22 Facsimile: (270) 844-6417 23 tyson.kamuf@bigrivers.com 24senthia.santana@bigrivers.com 25 gregory.mayes@bigrivers.com 26 Counsel for Big Rivers Electric 27 28 Corporation 29